

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

GUILLERMO RAMON BARBA-MARTIN,

Defendant.

8:07PO4

ORDER

This matter is before the court on the motion to continue by defendant Guillermo Ramon Barba-Martin (Barba-Martin) (Filing No. 16). Barba-Martin seeks a continuance of the trial of this matter which is scheduled for November 13, 2007. Barba-Martin's counsel represents that counsel for the government has no objection to the motion. Barba-Martin has submitted an affidavit wherein he represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Barba-Martin's motion to continue trial (Filing No. 16) is granted.
2. Trial of this matter is re-scheduled for **January 7, 2008**, before the undersigned magistrate judge. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **November 7, 2007 and January 7, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 7th day of November, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge